

**IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

<b>UNITED STATES OF AMERICA</b>	)		
	)		
<b>vs.</b>	)	<b>Case Nos.</b>	<b>2:09-cv-8003-RDP-TMP<sup>1</sup></b>
	)		<b>2:05-cr-230-JHH-TMP</b>
<b>JOHNNY EARL GIBSON,</b>	)		
	)		
<b>Defendant/Movant.</b>	)		

## ORDER DENYING § 2255 RELIEF

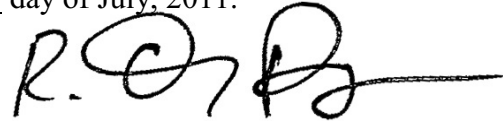
Following remand of this case by the United States Court of Appeals for the Eleventh Circuit, a Magistrate Judge of the court prepared and entered a Report and Recommendation on June 13, 2011 (Doc. #27), expressly addressing movant's claim that he received ineffective assistance of counsel due to counsel's failure to investigate his probation or parole status at the time of his offense. To date, no party has filed any objections with respect to the Report and Recommendation. Having now considered and reviewed it *de novo*, the court hereby **ADOPTS** the Report and **ACCEPTS** the Recommendation. Additionally, to be clear, the court also **RE-ADOPTS** the Report and Recommendation previously entered by the Magistrate Judge on October 14, 2009. (Doc. #8).

Accordingly, on the basis of the reasoning contained in these two Reports and Recommendations, the motion pursuant to 28 U.S.C. § 2255 to vacate or set aside movant's conviction and sentence is hereby **DENIED**.

<sup>1</sup> The original criminal case and this motion pursuant to 28 U.S.C. § 2255 were assigned to Senior United States District Judge James H. Hancock. He has now exercised his prerogative as a senior judge to have this case re-assigned to the undersigned.

The Clerk is **DIRECTED** to mail a copy of the foregoing to the movant.

**DONE** and **ORDERED** this 12th day of July, 2011.

A handwritten signature in black ink, appearing to read 'R. David Proctor', written over a horizontal line.

**R. DAVID PROCTOR**  
UNITED STATES DISTRICT JUDGE